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Mapping Governance Gaps on the High Seas

Overview

A patchwork of international bodies and treaties manage ocean resources and human activity in areas beyond any state's national jurisdiction (see Table 1). However, these governance bodies vary greatly in terms of their mandate, which determines their geographic scope, their objective, the legally binding nature of decisions they adopt, and whether they regulate one or several activities. Their jurisdictions often overlap, but virtually no mechanisms exist to coordinate across geographic areas and sectors.¹ Too often, this piecemeal governance approach leads to the degradation of the environment and its resources, and makes deploying management and conservation tools such as environmental impact assessments and marine protected areas (MPAs), including marine reserves, challenging both legally and logistically.²

At the 2010 meeting of the Convention on Biological Diversity, States committed to conserve 10 percent of marine environments, a target reaffirmed in the United Nations' 2030 Agenda for Sustainable Development. A 2016 study found that in order to successfully conserve healthy ecosystems and help degraded ones recover, 30 percent of the world's ocean needs protection through MPAs, including reserves.³ In spite of this global need for marine conservation, less than 1 percent of the high seas are fully protected.

States have responded to these governance and conservation gaps by committing to develop an "international legally binding instrument ... on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction"⁴ through the United Nations. In March 2016, the process began with the first of four meetings in which governments will begin developing an agreement to protect the high seas. With sustained momentum, the United Nations General Assembly could fully adopt a treaty by 2020.

The following maps help to illustrate the current governance gaps on the high seas and emphasize the critical need for this treaty. For governance organizations to effectively manage and conserve life on the high seas, three key elements are necessary: regulatory authority, a mandate to conserve the ecosystem as a whole, and the ability to manage across multiple sectors. Although some organizations have two of these three elements, they all lack comprehensive mandates to effectively manage and conserve ecosystems on the high seas.

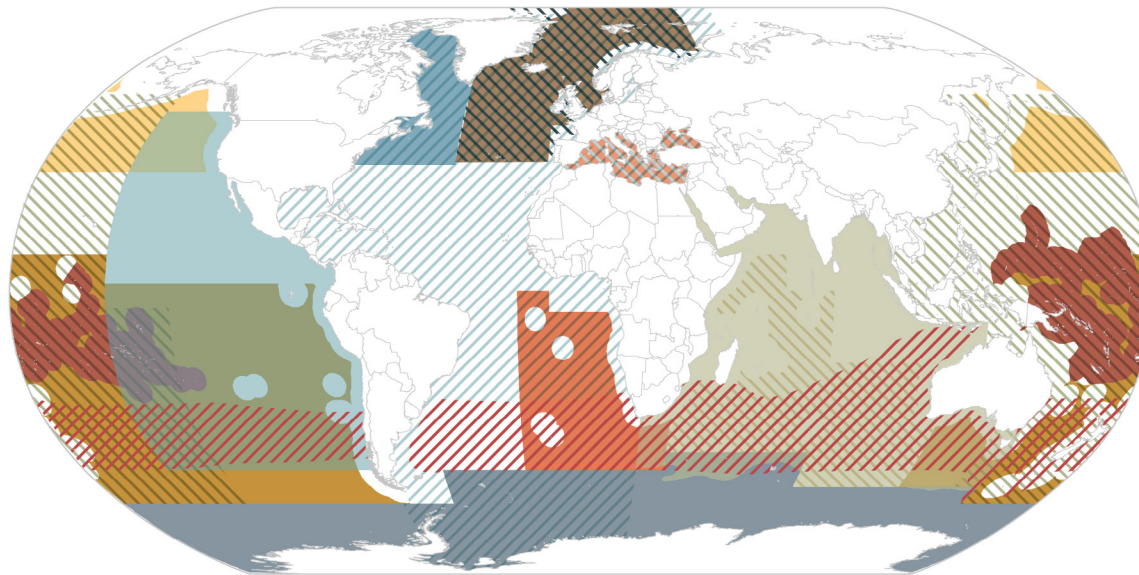
Table 1

International Governance Bodies With High Seas Mandate

Abbreviation	Full name	Abbreviation	Full name
Regional fisheries management organizations		Regional seas organizations	
CCSBT	Commission for the Conservation of Southern Bluefin Tuna	CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
GFCM	General Fisheries Commission for the Mediterranean	MAP	Mediterranean Action Plan for the Barcelona Convention
IATTC	Inter-American Tropical Tuna Commission	OSPAR	OSPAR Commission (from the Oslo and Paris Conventions)
ICCAT	International Commission for the Conservation of Atlantic Tuna	SPREP	Secretariat of the Pacific Regional Environment Programme
IOTC	Indian Ocean Tuna Commission	Global/sectoral organizations	
NAFO	Northwest Atlantic Fisheries Organization	IMO	International Maritime Organization
NEAFC	North East Atlantic Fisheries Commission	ISA	International Seabed Authority
NPAFC	North Pacific Anadromous Fish Commission	IWC	International Whaling Commission
SEAFO	South East Atlantic Fisheries Organization		
SIOFA	South Indian Ocean Fisheries Agreement		
SPRFMO	South Pacific Regional Fisheries Management Organization		
WCPFC	Western and Central Pacific Fisheries Commission		

Overlapping of international governance organizations with high seas mandates

Map 1
International Governance on the High Seas



Organizations included

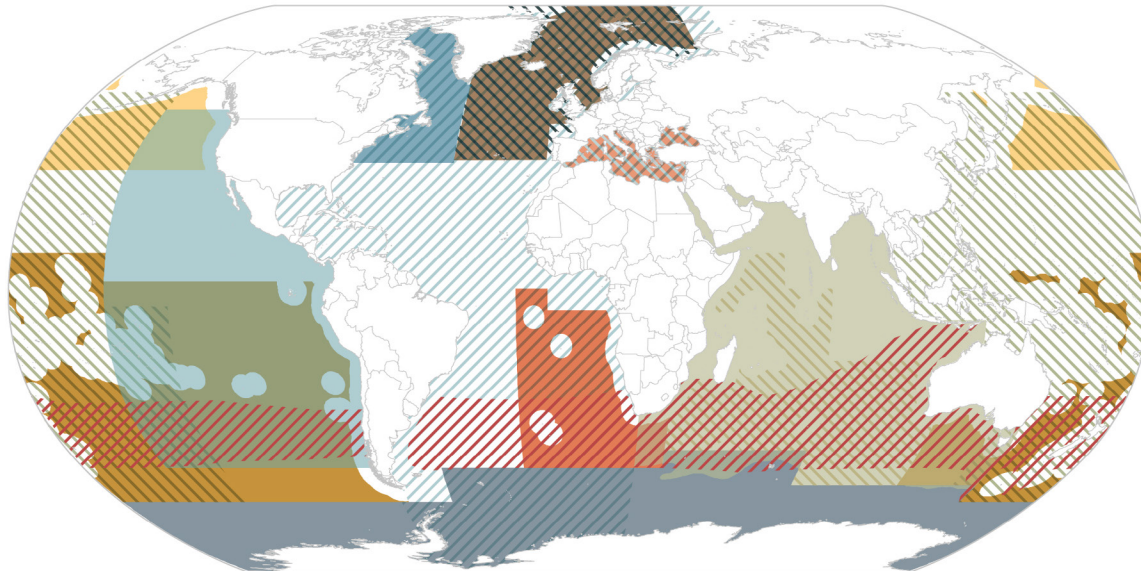


Map 1 illustrates all international governance bodies with a high seas mandate, except those with global coverage—i.e., the International Whaling Commission (IWC), International Maritime Organization (IMO), and International Seabed Authority (ISA). These organizations collectively cover virtually all high seas areas and overlap in many places. Although there are many examples of multiple organizations managing the same region, few mechanisms exist to facilitate communication or coordinate activities among them.⁵

Organizations with regulatory authority

Map 2

Regulatory Authority on the High Seas



Organizations included



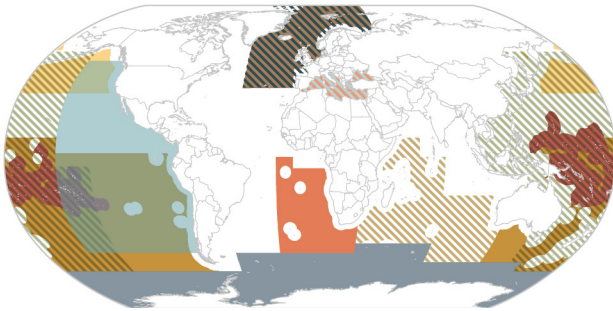
Most organizations with a mandate that extends to areas beyond national jurisdiction (ABNJ) do have regulatory authority, or the ability to create binding management measures. However, the vast majority of these organizations are limited to fisheries management. Organizations illustrated in Map 2 have regulatory authority, thereby excluding the Secretariat of the Pacific Regional Environment Programme.

Note: Though they have regulatory authority, the IWC, IMO, and ISA are not mapped because they have global coverage.

Conservation mandate

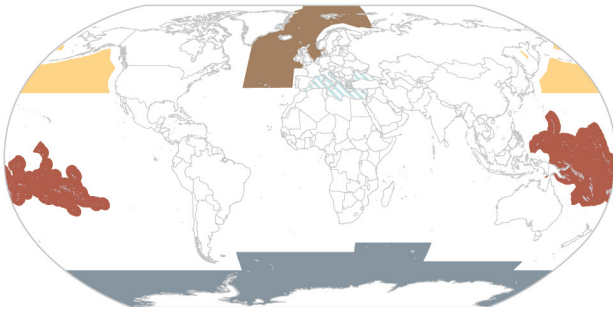
Map 3A

High Seas Organizations With Partial Conservation Mandate



Map 3B

High Seas Organizations With Primary Conservation Mandate



Organizations included



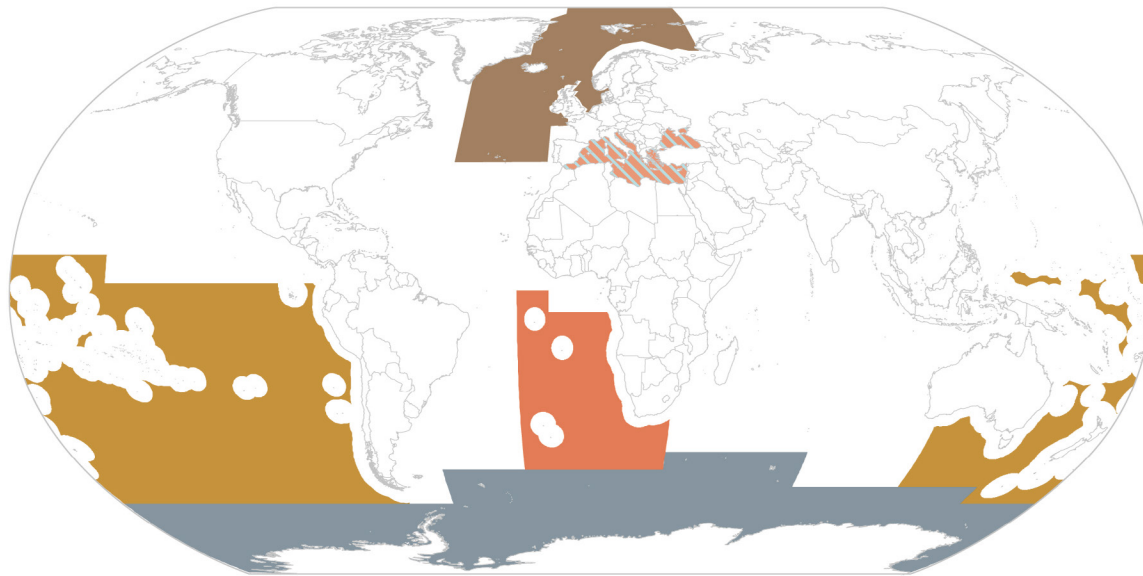
High seas governance organizations differ greatly with respect to the emphasis their mandates place on conservation. Most are charged primarily with managing resources, such as fisheries, though some of those organizations have mandates that call for the additional application of the ecosystem and/or the precautionary approach. (Map 3A). In fisheries management this means accounting for impacts of fishing on the ecosystem and erring on the side of caution, even in the face of scientific uncertainty, if a decision could result in serious damage to the environment.⁶ Though the organizations shown in Map 3A are technically able to take the broader ecosystem into account when creating management measures, very few are engaged in the protection of biodiversity as a whole. Only the organizations shown in Map 3B have a mandate that focuses primarily on conserving the marine environment.

Note: The IWC is not shown in Map 3A or 3B, because it has global coverage, but it does focus primarily on conservation.

Ecosystem management

Map 4

High Seas Organizations Able to Create Legally Binding Measures for Ecosystem Management



Organizations included

CCAMLR GFCM MAP OSPAR SEAFO SPRFMO

Single-sector management organizations face many challenges in governing high seas areas, in part due to a lack of communication and coordination with spatially overlapping organizations. Comprehensive, multi-sector, ecosystem-based management is a key element of accounting for ecosystem synergies and maintaining high seas biodiversity. For example, no mechanism exists to account for the cumulative impacts of fishing and mining in a region, although environmental impacts may escalate if both activities happen concurrently. Lack of coordination could endanger their shared ecosystem.

Most high seas governance organizations operate under mandates that consider only one sector, such as fisheries, shipping, or mining. A handful of those single-sector organizations are empowered to create legally binding measures that broadly address the ecosystem, giving them an advantage over other single-sector organizations. The organizations with a broader mandate are shown in Map 4.

Sectors managed

Map 5

International Governance Organizations With Regulatory Authority to Enact Comprehensive Conservation Measures Across Multiple Sectors on the High Seas



Although there are nearly 20 high seas governance organizations, none has a comprehensive cross-sectoral mandate with regulatory authority and a focus on conservation in areas beyond national jurisdiction.

Conclusion

It is imperative that States take advantage of their current opportunity to negotiate a new implementing agreement to the United Nations Convention on the Law of the Sea and ensure that the agreement includes a mechanism to enable robust and coordinated high seas governance for the conservation and sustainable use of marine biodiversity in ABNJ.

Methodological notes

The Pew Charitable Trusts reviewed the mandates and activities of a broad spectrum of ocean governance organizations, including regional fisheries management organizations, regional seas organizations, and other sectoral organizations with a global mandate (i.e., the IMO and ISA). Only international governance organizations with a high seas mandate were included in this analysis. General information used to determine which organizations should be included came from the Food and Agriculture Organization's "Regional Fishery Bodies" web page,⁸ the United Nations Environment Programme's "Regional Seas Programme" web page,⁹ and the scholarly articles cited. For each organization, we addressed the following three questions: Does it have regulatory authority? Is its primary purpose biodiversity conservation or resource management? Can it deliver ecosystem-based management across multiple sectors? The organizations' mandates were carefully reviewed to determine how they should be classified with respect to these three questions. Map data were obtained directly from the respective organizations' websites or, when not available, drawn approximately based on descriptions of their areas of competence from their mandates.

Endnotes

- 1 Julien Rochette et al., "The Regional Approach to Conservation and Sustainable Use of Marine Biodiversity in Areas Beyond National Jurisdiction," *Marine Policy* 49 (2014): 109-17, <https://dx.doi.org/10.1016/j.marpol.2014.02.005>.
- 2 Natalie C. Ban et al., "Systematic Conservation Planning: A Better Recipe for Managing the High Seas for Biodiversity Conservation and Sustainable Use," *Conservation Letters* 7, no. 1 (2014): 41-54, <https://dx.doi.org/10.1111/conl.12010>.
- 3 Bethan O'Leary et al., "Effective Coverage Targets for Ocean Protection," *Conservation Letters* (advance online copy, 2016), <https://dx.doi.org/10.1111/conl.12247>.
- 4 United Nations General Assembly, Resolution 69/292, "Development of an International Legally Binding Instrument Under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction," June 19, 2015, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/292.
- 5 Ban et al., "Systematic Conservation Planning."
- 6 United Nations Environment Programme, "Rio Declaration on Environment and Development," *Principle 15*, <http://www.unep.org/Documents.multilingual/Default.asp?DocumentID=78&ArticleID=1163>.
- 7 Ban et al., "Systematic Conservation Planning"; Nicholas K. Dulvy, Yvonne Sadovy, and John D. Reynolds, "Extinction Vulnerability in Marine Populations," *Fish and Fisheries* 4, no. 1 (2003): 25-64, <https://dx.doi.org/10.1046/j.1467-2979.2003.00105.x>.
- 8 Food and Agriculture Organization of the United Nations, "Regional Fishery Bodies," accessed June 27, 2016, <http://www.fao.org/fishery/rfb/search/en>.
- 9 United Nations Environment Programme, "Regional Seas Programme," accessed June 27, 2016, <http://www.unep.org/regionalseas/default.asp>.

For further information, please visit:

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